



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

August 5, 1996

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

Robert L. Morgan  
State Engineer

1594 West North Temple, Suite 220  
Box 146300  
Salt Lake City, Utah 84114-6300  
801-538-7240  
801-538-7467 (Fax)

Ray Murray  
P.O. Box 211  
Fort Duchesne, UT 84026

Dear Ray:

I am writing in response to the question about water rights title which you asked me to look into during our conversation yesterday.

I spoke with the person in our office who has the most experience with title and will pass along to you her ideas, however, I must emphasize that we cannot guarantee that any of these suggestions will resolve your problem.

Your continued use of the water on the land described in the water right does preserve the entire right even though you may only own 1/2 interest in the right.

It appears there are three possible ways that the title question might be resolved. Unless the deed from the original owner to the tribe specifically stated that the owner was reserving 1/2 interest in the water right, the whole right transferred with the sale of the property. State law states that unless a deed specifically reserves water right, any water that is appurtenant to the land passes silently to the new land owner. This is true even if the deed specifically states that 1/2 interest in the water is being transferred; unless it is reserved, the other half also passes.

If the deed from the owner to the tribe does reserve 1/2 interest in the water, you will have to find out if the owner ever deeded that interest to anyone else or if there are any heirs who have inherited it.

If the 1/2 interest in the right was reserved and you cannot find a successor in interest to it, you could obtain clear title to the entire water right through a quiet title action in court.

I hope these suggestions will be helpful to you. On another subject, Marvin (Mugs) Huber called me today and made arrangements to pay his assessment this fall after he has made a sale. I told him that as long as he honors that commitment, we will put a hold on any further action from this office. If you have any questions concerning this please give me a call at 538-7380.

Sincerely,

Lee H. Sim, P.E.  
Assistant State Engineer  
for Adjudication and Distribution

LHS:bd

